

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	8:06CR211
v.)	
)	
RUBEN OLIVARES, and,)	PRELIMINARY ORDER
MARIO DELGADO-PAZ,)	OF FORFEITURE
a/k/a Fernando Ramos-Quiles, a/k/a Wetto,)	
)	
Defendants.)	
)	

This matter is before the Court upon the United States' Motion for Issuance of Preliminary Order of Forfeiture and Memorandum Brief (Filing No. 94). The Court has reviewed the record in this case and finds as follows:

1. Defendant Mario Delgado-Paz entered into a Plea Agreement whereby he agreed to enter pleas of guilty to Counts I and XIII of the Superseding Indictment filed herein. Defendant Delgado-Paz also agreed to the forfeiture of \$1,100.00 in United States currency seized from his on his arrest on June 27, 2006. Defendant Ruben Olivares entered into a Plea Agreement whereby he agreed to enter pleas of guilty to Counts II, VI and VII of the Superseding Indictment filed herein. Defendant Olivares also agreed to the forfeiture of \$685.00 in United States currency seized from his on his arrest on June 27, 2006. Count I of said Superseding Indictment charges the defendant Delgado-Paz, with conspiracy to possess with intent to distribute methamphetamine, a violation of 21 U.S.C. § 846. Count II of said Superseding Indictment charges the defendant Olivares, with possession with intent to distribute methamphetamine, in violation of 21 U.S.C. § 841. Count VI of said Superseding Indictment

sought the forfeiture, pursuant to 21 U.S.C. § 853, of one 1998 Suzuki Esteem, VIN JS2GB31S4W5147384, registered to Ruben Olivares. Count VIII of said Superseding Indictment sought the forfeiture, pursuant to 21 U.S.C. § 853, of one 2003 Chevrolet Silverado K1500, VIN 1GCEK19T63Z194505, registered to Fernando Ramos-Quiles and Vanessa Martinez. Count XIII of said Superseding Indictment sought the forfeiture, pursuant to 21 U.S.C. § 853, of \$1,353.00 in United States currency seized from MARIO DELGADO-PAZ, a/k/a Fernando Ramos-Quiles, a/k/a Wetto, on June 27, 2006, on the basis they were used or were intended to be used to facilitate said controlled substance violation and/or were derived from proceeds obtained directly or indirectly as a result of the commission of said controlled substance violation.

2. By virtue of said plea of guilty, the defendants forfeit their interest in the subject properties, and the United States should be entitled to possession of said properties, pursuant to 21 U.S.C. § 853.

3. The United States' Motion for Issuance of Preliminary Order of Forfeiture should be sustained. Accordingly,

IT IS ORDERED:

A. The United States' Motion for Issuance of Preliminary Order of Forfeiture is hereby sustained.

B. Based upon Counts VI, VII and XIII of the Indictment and the defendants' pleas of guilty, the United States Bureau of Alcohol, Tobacco and Firearms ("ATF") is hereby authorized to seize the following-described properties: \$685.00, \$1,100.00, \$1,353.00, 2003

Chevrolet Silverado K1500, VIN 1GCEK19T63Z194505, and 1998 Suzuki Esteem, VIN JS2GB31S4W5147384.

C. Defendants' interest in said properties is hereby forfeited to the United States of America for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n)(1).

D. The aforementioned forfeited properties are to be held by ATF in its secure custody and control.

E. Pursuant to 21 U.S.C. § 853(n)(1), the United States forthwith shall publish at least once for three successive weeks in a newspaper of general circulation, in the county where the subject properties are situated, notice of this Order, notice of ATF's intent to dispose of the properties in such manner as the Attorney General may direct, and notice that any person, other than the defendants, having or claiming a legal interest in any of the subject forfeited properties must file a Petition with the court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.

F. Said published notice shall state the Petition referred to in Paragraph E., above, shall be for a hearing to adjudicate the validity of the Petitioner's alleged interest in the properties, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent of the Petitioner's right, title or interest in the subject properties and any additional facts supporting the Petitioner's claim and the relief sought.

G. The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the properties subject to this Order as a substitute for published notice as to those persons so notified.

H. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

DATED this 23rd day of March, 2007.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court